

立法會
Legislative Council

LC Paper No. CB(1)2407/01-02
(These minutes have been seen
by the Administration)

Ref : CB1/BC/12/01

**Bills Committee on
Public Officers Pay Adjustment Bill**

**Minutes of fourth meeting held on
Tuesday, 18 June 2002 at 4:30 pm
in the Chamber of the Legislative Council Building**

Members present : Hon Mrs Selina CHOW LIANG Shuk-ye, JP (Chairman)
Hon James TIEN Pei-chun, GBS, JP
Dr Hon David CHU Yu-lin, JP
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, JP
Hon LEE Cheuk-yan
Hon Eric LI Ka-cheung, JP
Dr Hon LUI Ming-wah, JP
Hon NG Leung-sing, JP
Hon Margaret NG
Hon HUI Cheung-ching, JP
Hon CHAN Kwok-keung
Hon Bernard CHAN
Hon CHAN Kam-lam
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LEUNG Yiu-chung
Hon Jasper TSANG Yok-sing, JP
Hon Howard YOUNG, JP
Hon LAU Chin-shek, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, JP
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok

Members attending : Hon CHAN Yuen-han, JP
Hon LAU Ping-cheung

Members absent : Hon Cyd HO Sau-lan
Hon CHEUNG Man-kwong
Hon Andrew WONG Wang-fat, JP
Dr Hon Philip WONG Yu-hong
Hon YEUNG Yiu-chung, BBS
Hon TAM Yiu-chung, GBS, JP

Public officers attending : Mrs Jessie TING
Deputy Secretary for the Civil Service (2)

Mr Ian WINGFIELD
Law Officer (Civil Law)
Department of Justice

Mr David MORRIS
Deputy Law Draftsman
Department of Justice

Mr Stanley YING
Deputy Secretary for the Treasury (1)

Mr Clement LEUNG
Principal Assistant Secretary for Education and Manpower (1)

Ms Monica LAW
Senior Assistant Law Draftsman
Department of Justice

Ms Gloria LO
Assistant Secretary for the Civil Service (2)

Attendance by invitation : **Disciplined Services Consultative Council (Staff Side)**

Mr MAN Sai-kit
Chairman

Mr LAM Kwok-ho
Representative

Model Scale I Staff Consultative Council (Staff Side)

Mr LUNG Wing-fat
Chairman

Ms FUNG Mei-lan
Vice-Chairman

Police Force Council (Staff Side)

Mr TSE Shu-chun
Chairman
Superintendents' Association

Mr LIU Kit-ming
Chairman
Local Inspectors' Association

Senior Civil Service Council (Staff Side)

Ms Cecilia SO
Chairman

Mr Peter H WONG
Representative

Senior Non-Expatriate Officers Association

Dr POON Wai-ming
Vice-Chairman

Hong Kong Federation of Civil Service Unions

Mr LEUNG Chau-ting
Chairman

Mr LAU Kam-iu
Vice-Chairman

Hong Kong Civil Servants General Union

Mr YAU Yan-hung
Acting Chairman

Mr ON Hing-biu
Vice-Chairman

Government Disciplined Services General Union

Mr WONG Wai-hung
Chairman

Mr POON Chi-ming
Secretary General

Government Model Scale I Staff General Union

Mr IP Yum-tak
Director

Mr WONG Wah-hing
Assistant Director

The Law Society of Hong Kong

Mr IP Shing-hing
President

Mr Patrick MOSS
Secretary General

Clerk in attendance : Miss Salumi CHAN
Chief Assistant Secretary (1)5

Staff in attendance : Mr Jimmy MA
Legal Adviser

Miss Kitty CHENG
Assistant Legal Adviser 5

Mr Anthony WONG
Senior Assistant Secretary (1)8

Ms Rosalind MA
Senior Assistant Secretary (1)9

I. Meeting with deputations and the Administration

(LC Paper No. CB(1)2023/01-02(01) — Submission from Disciplined Services Consultative Council (Staff Side)

LC Paper No. CB(1)2023/01-02(02) — Submission from Model Scale 1 Staff Consultative Council (Staff Side)

LC Paper No. CB(1)2023/01-02(03) — Submission from Police Force Council (Staff Side)

LC Paper No. CB(1)2023/01-02(04) — Submission from Hong Kong Civil Servants General Union

LC Paper No. CB(1)2023/01-02(05) — Press cutting provided by Hong Kong Chinese Civil Servants' Association)

The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

Follow-up actions to be taken by the Administration

2. The Administration undertook to provide the Bills Committee with the following information:

- (a) According to the staff sides representatives, the Memorandum on Condition of Service (MOCS) applicable to officers appointed before 1976 did not contain the variation clause which provided the Government with the reserved right to alter any of the officers' terms of appointment, and/or conditions of service. The Administration was requested to provide a copy of the MOCS and explain whether the Government had legal authority to reduce the pay of officers appointed under this type of MOCS.
- (b) Article 39 of the Basic Law provided that international labour conventions as applied to Hong Kong should remain in force and should be implemented through the laws of the Hong Kong Special

Administrative Region. The Administration was requested to provide detailed justifications for its claim that the proposed implementation of civil service pay reduction by legislation would not contravene the relevant provisions of international labour conventions and Article 39.

- (c) Cases in overseas jurisdictions where civil service pay reduction had been implemented by one-off legislation.

(Post-meeting note: The Administration's response was circulated to members vide LC Paper No. CB(1)2056/01-02(03) on 20 June 2002).

Date of next meeting

- 3. Members noted that the fifth meeting of the Bills Committee would be held on Friday, 21 June 2002 at around 5:30 pm (immediately after the House Committee meeting).

II. Any other business

- 4. There being no other business, the meeting ended at 7:20 pm.

Legislative Council Secretariat
6 August 2002

Appendix

**Proceedings of the fourth meeting of the
Bills Committee on Public Officers Pay Adjustment Bill
Meeting on Tuesday, 18 June 2002 at 4:30 pm
in Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
<i>Agenda Item I — Meeting with deputations and the Administration</i>			
000000 - 000348	Chairman	Welcoming and introductory remarks	
000348 - 000529	Disciplined Services Consultative Council (Staff Side) (DSCC)	Objected to the implementation of civil service pay reduction through legislation	
000529 - 000627	Model Scale I Staff Consultative Council (Staff Side) (MSSCC)	-ditto-	
000627 - 001005	Police Force Council (Staff Side) (PFC)	Objected to the implementation of civil service pay reduction through legislation but willing to accept pay reduction in accordance with the existing pay adjustment mechanism	
001005 - 001406	Senior Civil Service Council (Staff Side) (SCSC)	Requested an independent Committee of Inquiry to be appointed to handle the disputes in pay adjustment	
001406 - 001642	Hong Kong Federation of Civil Service Unions (HKGCSU)	Objected to the implementation of civil service pay reduction through legislation	
001642 - 002234	Hong Kong Civil Servants General Union (HKCSGU)	-ditto-	
002234 - 002721	Government Disciplined Services General Union (GDSGU)	Urged the Administration to negotiate with staff sides to achieve an agreement on pay adjustment instead of implementing pay reduction through legislation	
002721 - 002817	Government Model Scale I Staff General Union	-ditto-	

Time	Speaker	Subject(s)	Action required
	(GMSSGU)		
002817 - 003110	The Law Society of Hong Kong (LSHK)	Implementation of civil service pay reduction through legislation considered proper from the legal point of view and would not contravene Articles 6, 100, 103, 105 and 160 of the Basic Law	
003110 - 004211	Administration	Justifications for implementing civil service pay reduction through legislation	
004211 - 004325	Miss CHAN Yuen-han	Whether legislation was the only means of implementing civil service pay reduction	
004325 - 004648	PFC	-ditto-	
004648 - 005000	SCSC	Appointment of a Committee of Inquiry to handle the pay adjustment disputes	
005000 - 010244	Administration	-ditto-	
010244 - 010332	Chairman	-ditto-	
010332 - 010523	Miss CHAN Yuen-han	Disputes in pay adjustment should be settled through negotiation	
010523 - 010956	SCSC	Appointment of a Committee of Inquiry to handle the pay adjustment disputes	
010956 - 011049	Miss Margaret NG	To allow adequate time for deputations to present their views	
011049 - 011135	Chairman	-ditto-	
011135 - 011250	Mr CHAN Kwok-keung	Whether legislation was the proper means of implementing civil service pay reduction	
011250 - 011429	GDSGU	Appointment of a Committee of Inquiry to handle the pay adjustment disputes	
011429 - 011911	Miss Margaret NG	Whether legislation for pay reduction would contravene Articles 6 and 103 of the Basic	

Time	Speaker	Subject(s)	Action required
		Law	
011911 - 012155	LSHK	-ditto-	
012155 - 012327	Miss Margaret NG	Whether legislation was the proper means of implementing civil service pay reduction	
012327 - 012347	LSHK	-ditto-	
012347 - 012416	Ms Emily LAU	To seek the views of the subvented organizations on the Bill	
012416 - 012514	Chairman	-ditto-	
012514 - 012536	Mr LEE Cheuk-yan	-ditto-	
012536 - 012548	Chairman	-ditto-	
012548 - 012625	Ms Emily LAU	Legal basis for implementing civil service pay reduction through legislation and whether civil servants would accept pay reduction if this was not implemented through legislation	
012625 - 012635	LSHK	-ditto-	
012635 - 012706	Chairman	-ditto-	
012706 - 012857	Ms Emily LAU	-ditto-	
012857 - 012954	LSHK	-ditto-	
012954 - 013005	Chairman	-ditto-	
013005 - 013258	SCSC	-ditto-	
013258 - 013351	Ms Emily LAU	-ditto-	
013351 - 013416	LSHK	-ditto-	
013416 - 013530	Mr David CHU	Other possible means to settle the pay adjustment disputes	
013530 - 013722	PFC	-ditto-	
013722 - 013957	Mr LEE Cheuk-yan	Response of civil service unions in case the Administration would insist to implement pay reduction through legislation	
013957 - 014401	SCSC	-ditto-	
014401 - 014530	Mr Jasper TSANG	Whether civil servants would accept pay reduction	
014530 - 014627	PFC	-ditto-	
014627 - 014721	Mr Jasper TSANG	-ditto-	

Time	Speaker	Subject(s)	Action required
014721 - 015022	HKFCSU	-ditto-	
015022 - 015305	Mr Albert HO	Appointment of a Committee of Inquiry to handle the pay adjustment disputes	
015305 - 015316	Chairman	-ditto-	
015316 - 015620	GDSGU	-ditto-	
015620 - 015747	Ms LI Fung-ying	Whether implementation of civil service pay reduction through legislation would deprive civil servants of the right to claim for compensation, damages or other remedies	
015747 - 015943	LSHK	-ditto-	
015943 - 020301	Mr Howard YOUNG	Other possible means to settle the pay adjustment disputes	
020301 - 020533	PFC	-ditto-	
020533 - 020653	GDSGU	-ditto-	
020653 - 020710	SCSC	-ditto-	
020710 - 020953	Mr LEUNG Yiu-chung	Impact of the civil service pay reduction on subvented organizations and civil service staff morale	
020953 - 021055	GDSGU	-ditto-	
021055 - 021156	HKFCSU	-ditto-	
021156 - 021418	Ms Audrey EU	Whether the implementation of civil service pay reduction would deprive civil servants of their rights under the employment contracts and process of arbitration for settling pay adjustment disputes	
021418 - 021668	LSHK	Whether the implementation of civil service pay reduction would deprive civil servants of their rights under the employment contracts	
021668 - 021735	SCSC	Process of arbitration for	

Time	Speaker	Subject(s)	Action required
		settling pay adjustment disputes	
021735 - 021800	Mr MA Fung-kwok	Acceptance of the recommendations by the Committee of Inquiry	
021800 - 022000	GDSGU	-ditto-	
022000 - 022155	Mr Michael MAK	Interpretation of Article 100 of the Basic Law and views of deputations on the Bill	
022155 - 022425	LSHK	Interpretation of Article 100 of the Basic Law	
022425 - 022633	GDSGU	Urged the Legislature not to support the Bill	
022633 - 022713	PFC	Overseas experience in implementing civil service pay adjustment	
022713 - 022730	LSHK	-ditto-	
022730 - 022808	Ms Emily LAU	Other possible means to settle the pay adjustment disputes	
022808 - 022810	HKFCSU	-ditto-	
022810 - 022833	GDSGU	-ditto-	
022833 - 022845	SCSC	-ditto-	
022845 - 022859	DSCC	-ditto-	
022859 - 023011	HKCSGU	-ditto-	
023011 - 023037	Mr Michael MAK	Impact of implementing pay adjustment through legislation	
023037 - 023100	Chairman	Administration's response to views made by the deputations	
023100 - 024217	Administration	-ditto-	
024217 - 024232	Chairman	Information on cases in overseas jurisdictions where civil service pay reduction was implemented by one-off legislation	Admin
024232 - 024251	Mr LEE Cheuk-yan	Whether the proposed implementation of civil service pay reduction by legislation would contravene international	

Time	Speaker	Subject(s)	Action required
		labour conventions and Article 39 of the Basic Law	
024251 - 024356	Administration	-ditto-	
024356 - 024443	Mr LEE Cheuk-yan	Whether the proposed implementation of civil service pay reduction by legislation would contravene international labour conventions and Article 39 of the Basic Law	Admin
024443 - 024625	Chairman	Legal basis for the Administration to reduce pay of officers appointed before 1976 and date of coming meetings	Admin

Note: The audio records of the above proceedings are kept at the Legislative Council Library

Legislative Council Secretariat
6 August 2002